

REMARKS

Claims 1-4, 6-12, 14-22, and 31 are pending and at issue in the above identified patent application, with claims 5, 13, and 23-30 withdrawn as directed to a non-elected species. Of the claims currently at issue, claims 1, 16, and new claim 31 are independent claims. In view of the foregoing amendments and the following remarks, reconsideration of the application is respectfully requested.

Specification

The disclosure was objected to for containing an embedded hyperlink and/or other form of browser executable code. The applicants have diligently attempted to locate the objected to passage, but have been unable to do so. Accordingly, the applicants respectfully request that the examiner specifically identify the location of the objected to passage so that proper correction may be taken.

The disclosure was also rejected for a typographical error on line 32 of page 2. The specification has been amended to correct the identified typographical error. The foregoing modification should eliminate and objection to the specification.

The Rejections under 35 U.S.C. § 112

Claims 1-4, 6-12, and 14-22 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Claim 1 has been amended to recite that the door may be subjected to an impact force, and that beyond a predetermined impact force, the resilient connection takes a yield mode. The foregoing should eliminate any rejection under 35 U.S.C. §112 that may have been proper.

35 U.S.C. § 102(b) Rejections

Claims 1, 2, 4, 6-12, 14-19, 21, and 22 were rejected as anticipated by Linstadt (US 1,802,519). It is respectfully submitted that amended claims 1 and 16 are allowable over this patent for at least the reasons set forth below.

As amended, independent claims 1 and 16, as well as new claim 31, are generally directed to a door for at least partially covering a doorway, including a lower track disposed above the floor defining the doorway. In particular, the independent claims recite, *inter alia*, a lower track disposed below an upper track and above the floor, wherein the lower track is attachable to one of the door panel and the surrounding structure.

Linstadt does not describe or suggest a lower track disposed above the floor. In contrast, as shown in FIG. 2 of Linstadt, the lower track (8) is disposed below the floor, or sill, (6). Moreover, as noted in Linstadt, “the primary object of the invention is to provide a barn door bottom track and guide which will effectively hold the lower part of the door in a position against the door sill and which is of such construction that cattle passing over the sill will not damage the track.” (Linstadt, page 1, ll. 4-10). Therefore, Linstadt suggests against the use of a lower track above the floor, because the described lower track spans the width of the doorway and to do so would create an undesirable obstruction, thereby defeating the primary object of Linstadt.

Thus, due to the deficiencies in Linstadt, it follows that Linstadt cannot anticipate claims 1, 16, 31, or any claims dependent thereon. In particular, because Linstadt does not disclose or suggest a lower track disposed above the floor defining a doorway, Linstadt cannot anticipate claims 1, 16, and 31. Accordingly, for at least the foregoing

reasons, it is respectfully submitted that claims 1, 16, 31, and all claims dependent thereon are in condition for allowance.

35 U.S.C. § 103(a) Rejections

Dependent claims 3 and 20 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Linstadt. Claim 3 depends from independent claim 1, whereas claim 20 depends from independent claim 16, and both claims define over Linstadt for at least the reasons detailed above. Accordingly, dependent claims 3 and 20 are in a condition for allowance.

Conclusion

Reconsideration of the application and allowance thereof are respectfully requested. If there is any matter that the examiner would like to discuss, the examiner is invited to contact the undersigned representative at the telephone number set forth below.

The Commissioner is authorized to charge any fee deficiency required by this, or any other future filings, to Deposit Account No. 50-2455.

Respectfully submitted,
Hanley, Flight & Zimmerman, LLC
20 North Wacker Drive
Suite 4220
Chicago, Illinois 60606

Dated: September 25, 2006

/Keith R. Jarosik/

Keith R. Jarosik
Reg. No. 47,683
Attorney for Applicants
(312) 580-1133